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United States District Court
Central District of California

MARVIN L. STEWART,

Plaintiff,

v.

GAVIN NEWSOME et al.,

Defendants.

Case № 2:24-cv-08519-ODW (AGRx)

**ORDER GRANTING
DEFENDANTS'
MOTION TO DISMISS [18]**

I. INTRODUCTION

Plaintiff Marvin L. Stewart, pro se, brings this action seeking declaratory and injunctive relief against Defendants California Governor Gavin Newsome and Attorney General Robert Andres Bonta, in their official capacities. (First Am. Compl. (“FAC”) ¶¶ 1–2, 13–14, ECF No. 14.) Defendants move to dismiss Stewart’s claims under Federal Rules of Civil Procedure (“Rule” or “Rules”) 12(b)(1), 12(b)(6), and 8(a)(2). (Mot. Dismiss (“Motion” or “Mot.”), ECF No. 18.) For the reasons below, the Court **GRANTS** the Motion.¹

¹ Having carefully considered the papers filed in connection with the Motion, the Court deemed the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15.

1 II. BACKGROUND²

2 The First Amended Complaint is far from clear. As best as the Court can tell,
3 Stewart challenges two California laws: Senate Bill (“SB”) 54 and SB 1174 as
4 violating the Guarantee Clause and the Supremacy Clause, and the First, Fifth, Ninth,
5 Tenth, Fourteenth, Fifteenth, Seventeenth, Nineteenth, Twentieth, Twenty-Third, and
6 Twenty-Fourth Amendments to the U.S. Constitution. (See FAC ¶¶ 4, 11–12, 16–17,
7 70.) Stewart also alleges that Defendants violated federal law and the California
8 Constitution. (See *id.* ¶¶ 4, 9.)

9 In 2017, California Governor Jerry Brown signed SB 54, or the California
10 Values Act, California Government Code section 7282 *et seq.*, into law. (*Id.* ¶ 16.)
11 That law prohibits California state and local law enforcement agencies from spending
12 public funds to enforce federal immigration laws. *See, e.g.*, Cal. Gov’t Code
13 § 7284.6(a) (prohibiting use of agency funds to “investigate, interrogate, detain,
14 detect, or arrest persons for immigration enforcement purposes”). Stewart
15 characterizes the law as “declaring the State of California a sanctuary state.” (FAC
16) According to Stewart, this law has placed a “heavy burden . . . on California
17 taxpayers” by “draining . . . public resources” through “giving illegal aliens more
18 taxpayer-funded handouts than ever before.” (*Id.* ¶ 19.) In addition to these
19 “financial” harms, Stewart alleges that the California Values Act “has cost innocent
20 lives.” (*Id.* ¶ 23.) Per Stewart, through this law, Defendants “have become complicit
21 with the drug cartels in conjunction with China in allowing [U.S.] citizens to be
22 murdered by these toxic opioids, such as Fentanyl mixed with Xylazine, and other
23 deadly contrabands.” (*Id.* ¶ 24.) Further, Defendants have “allowed China in our
24 Front-yard and Backyard, with their Chinese money laundering organizations that
25 enriches the Cartels.” (*Id.*) Stewart alleges that the California Values Act violates
26 various provisions of the U.S. Constitution, including the Guarantee Clause. (*See,*
27

28 ² All factual references derive from the FAC, as well-pleaded factual allegations are accepted as true
for purposes of this Motion. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

1 *e.g., id.* ¶ 31); U.S. Const. art. IV, § 4 (“The United States shall guarantee to every
2 State in this Union a Republican Form of Government, and shall protect each of them
3 against Invasion; and on Application of the Legislature, or of the Executive (when the
4 Legislature cannot be convened) against domestic Violence.”).

5 On September 29, 2024, Newsome signed SB 1174 into law, which prohibits
6 cities and counties from adopting any ordinance or other regulation requiring “a
7 person to present identification for the purpose of voting or submitting a ballot at any
8 polling place, vote center, or other location where ballots are cast or submitted, unless
9 required by state or federal law.” 2024 Cal. Stat. 7948 (codified at Cal. Elec. Code
10 § 10005); (*see* FAC ¶ 17.) That law took effect on January 1, 2025. *See* Cal. Const.
11 art. IV, § 8(c)(1) (providing that “a statue enacted at a regular session shall go into
12 effect on January 1 next following a 90-day period from the date of enactment of the
13 statute”); (FAC ¶ 67 (noting effective date).) Stewart appears to contend that this law
14 allowed “approximately 1.5 million non-citizens” to vote in the 2024 election, which
15 has “disparage[d]” his “right to vote.” (FAC ¶ 9.) Stewart alleges that this
16 “negat[ion]” of “the integrity of” his vote violated the First, Fifth, Ninth, Tenth,
17 Fourteenth, Fifteenth, Seventeenth, Nineteenth, Twentieth, Twenty-Third, and
18 Twenty-Fourth Amendments to the U.S. Constitution, as well as provisions of the
19 California Constitution and federal law. (*Id.* ¶ 70.)

20 On October 3, 2024, Stewart initiated this action against Defendants. (Compl.,
21 ECF No. 1.) On November 20, 2024, Stewart filed the operative First Amended
22 Complaint. (FAC.) As relief, Stewart first asks for a declaration that Defendants
23 “do[] not have the authority” to “prohibit[] law enforcement and officials from
24 enforcing” immigration laws. (*Id.*, Prayer ¶ 1.) Second, he asks for a declaration that
25 he has “the Constitutional Right Under the Ninth Amendment to Compel” Defendants
26 “to honor the obligation of their oaths and defend[] this Nation and the State of
27 California from foreign invasion.” (*Id.*, Prayer ¶ 2.) Third, he asks for a declaration
28 that he “has been injured, by having his vote disparage[d] by illegal aliens, and non-

1 citizens, that have been allowed to vote in th[e] 2024 election.” (*Id.*, Prayer ¶ 3.)
2 Fourth, he seeks injunctive relief preventing Defendants from declaring California “a
3 Sanctuary State and defend the citizens from harm committed by criminal illegal
4 aliens, and non-citizens being allowed to vote.” (*Id.*, Prayer ¶ 4.)

5 Defendants now move to dismiss Stewart’s claims under Rules 12(b)(1),
6 12(b)(6), and 8(a)(2). (Mot.). The Motion is fully brief. (Opp’n, ECF No. 19; Reply,
7 ECF No. 22.)

8 III. LEGAL STANDARD

9 As the Court finds that Stewart lacks Article III standing to bring the First
10 Amended Complaint, it addresses only the legal standard for a motion to dismiss on
11 this basis.

12 Under Rule 12(b)(1), a district court must dismiss a complaint when the court
13 lacks subject matter jurisdiction, which includes when a plaintiff lacks constitutional
14 standing. *White v. Lee*, 227 F.3d 1214, 1242 (9th Cir. 2000) (“Because standing . . .
15 pertain[s] to a federal court’s subject-matter jurisdiction under Article III, [it is]
16 properly raised in a motion to dismiss under [Rule] 12(b)(1).”). To satisfy Article III
17 standing, a plaintiff must show that (1) he has suffered an injury in fact that is
18 concrete and particularized and actual or imminent, not conjectural or hypothetical;
19 (2) the injury is fairly traceable to the challenged actions of the defendant; and (3) it is
20 likely, as opposed to merely speculative, that the injury will be redressed by a
21 favorable decision. *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338–339 (2016); *Lujan v.
22 Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). The party attempting to invoke a
23 court’s jurisdiction bears the burden of proof for establishing jurisdiction. *See Sopcak
24 v. N. Mountain Helicopter Serv.*, 52 F.3d 817, 818 (9th Cir. 1995).

25 IV. DISCUSSION

26 Defendants move to dismiss this case because Stewart lacks Article III standing
27 to assert his claims. (Mot. 4–7.) Stewart disagrees. (Opp’n ¶¶ 21–23.)
28

As noted, to establish standing under Article III of the U.S. Constitution, a plaintiff must have “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo*, 578 U.S. at 338 (citing *Lujan*, 504 U.S. at 560–61). “[A]t the pleadings stage, the plaintiff must allege sufficient facts that, taken as true, ‘demonstrat[e] each element’ of Article III standing.” *Jones v. L.A. Cent. Plaza LLC*, 74 F.4th 1053, 1057 (9th Cir. 2023) (second alteration in original) (quoting *Spokeo*, 578 U.S. at 338). “If the plaintiff fails to do so, the complaint is subject to dismissal at the outset either upon motion by the defendant under Federal Rule of Civil Procedure 12(b)(1) or upon the court’s own inquiry.” *Id.*

1. *California Values Act*

Stewart argues that the California Values Act—which designates California as a “sanctuary state”—has placed a “heavy burden . . . on California taxpayers” by “draining . . . public resources,” (FAC ¶ 19), and “cost innocent lives,” (*id.* ¶ 23). On the latter point, Stewart ties violent crimes purportedly committed by “illegal aliens” and “the fentanyl crisis and illicit drug trade” to the California Values Act. (*Id.* ¶¶ 23–29.) He also alleges that Defendants “have failed and refuse[d] to do their duty in defending the State of California from an invasion.” (*Id.* ¶ 62.)

To establish Article III standing, a plaintiff’s “injury must be ‘concrete’ to ensure that it is ‘real and not abstract,’ and ‘particularized’ so that it ‘affect[s] the plaintiff in a personal and individual way’ as opposed to a ‘generalized grievance.’” *Kumar v. Koester*, 131 F. 4th 746, 751–52 (9th Cir. 2025) (alteration in original) (quoting *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 381 (2024)). Additionally, standing generally “cannot be based on a plaintiff’s mere status as a taxpayer.” *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125, 134 (2011) (rejecting “the general proposition that an individual who has paid taxes has a continuing, legally cognizable interest in ensuring that those funds are not used by the Government in a way that violates the Constitution” (cleaned up)). A “taxpayer must allege ‘direct injury,

1 pecuniary or otherwise’ to have taxpayer standing under Article III.” *Villa v.*
2 *Maricopa County*, 865 F.3d 1224, 1229 (9th Cir. 2017) (internal quotation marks
3 omitted) (quoting *Asarco Inv. v. Kadish*, 490 U.S. 605, 613–14 (1989)).

4 Here, Stewart has not pleaded an injury-in-fact as to the California Values Act.
5 His complaints about general harm to taxpayers and draining of public resources do
6 not qualify as an Article III injury. *See, e.g., id.* (“[S]tatus as a taxpayer does not
7 confer standing to seek prospective relief against Defendants.”). As to these and any
8 other purported injuries, Stewart fails to contend that *he* “suffer[ed] direct and
9 particularized harms due to the” California Values Act. *Sisley v. U.S. Drug Enf’t*
10 *Admin*, 11 F.4th 1029, 1034 (9th Cir. 2021). Rather, he lodges “a generalized
11 grievance against allegedly illegal government conduct,” which is insufficient to
12 confer standing. *Carroll v. Nakatani*, 342 F.3d 934, 940 (9th Cir. 2003). Stewart all
13 but confirms the generalized nature of his grievance in his Opposition, where he states
14 that he seeks to “redress rights . . . to bring the attention of this government [to] the
15 wrongs that [he] believes should be corrected.” (Opp’n ¶ 23.)

16 Accordingly, Stewart lacks Article III standing to bring his challenge to the
17 California Values Act.

18 2. *SB 1174*

19 Through his second challenge, Stewart seeks a declaration that he “has been
20 injured, by having his vote disparage[d] by illegal aliens, and non-citizens, that have
21 been allowed to vote in th[e] 2024 election,” based on SB 1174. (FAC, Prayer ¶ 3.)
22 In his Opposition, Stewart claims that “Illegal Aliens voting” in elections “abridge[ed]
23 the rights of the Plaintiff in silencing and disparaging [his] voice in the 2019 election
24 and the 2024 election.” (Opp’n ¶ 23.) However, Stewart ignores that SB 1174 could
25 not have “diluted” or “silenced” his “vote” or “voice” in the 2019 or 2024 elections
26 because the law did not take effect until *after* the 2024 election. *See* 2024 Cal. Stat.
27 7948 (signed Sept. 29, 2024); Cal. Const. art. IV, § 8(c)(1) (providing that “a statue
28 enacted at a regular session shall go into effect on January 1 next following a 90-day

1 period from the date of enactment of the statute”); (*see also* FAC ¶ 67 (noting
2 effective date was January 1, 2025).)

3 Nor does Stewart allege any potential future harm from SB 1174 to “establish a
4 sufficient likelihood of future injury.” *FDA*, 602 U.S. at 381 (reciting injury-in-fact
5 requirement for prospective relief). SB 1174 does not permit local governments to
6 require voter identification, unless otherwise mandated by state or federal law. Cal.
7 Elec. Code § 10005. Therefore, at minimum, Stewart would have had to allege
8 (1) that he plans to vote in a future election, (2) that there is a jurisdiction which
9 would have a voter identification requirement but for SB 1174, and (3) that there is a
10 sufficient likelihood that because that jurisdiction will not have a voter identification
11 requirement, incremental non-citizens will vote such that it will “dilute” his “vote” or
12 “silence” his “voice.” Given that California does not allow non-citizens to vote, *see*,
13 *e.g.*, Cal. Elec. Code § 2300(a), Stewart also fails to allege how non-citizens voting
14 because of SB 1174 would be a result of more than “the mere fact that some invalid
15 ballots have been inadvertently counted.” *Elec. Integrity Project Cal., Inc. v. Weber*,
16 113 F.4th 1072, 1089 n.13 (9th Cir. 2024) (holding that “the mere fact that some
17 invalid ballots have been inadvertently counted, without more, does not suffice to
18 show a distinct harm to any group of voters over any other” to support a vote dilution
19 claim). Accordingly, Stewart lacks Article III standing to bring this challenge to
20 SB 1174.³

21 Stewart does not ask for leave to amend and, in any event, “amendment would
22 be futile,” so dismissal is without leave to amend. *Carrico v. City & County of San*
23 *Francisco*, 656 F.3d 1002, 1008 (9th Cir. 2011). To the extent Stewart could amend

24 ³ Stewart also challenges “the criminal program called the Motor Voter Act that was signed by Bill
25 Clinton in 1993.” (Opp’n ¶ 7.) Even if Stewart had standing to bring this claim, he raises this for
26 the first time in his Opposition, so these allegations cannot save his complaint. *See Broam v. Bogan*,
27 320 F.3d 1023, 1026 (9th Cir. 2003) (“In determining the propriety of a Rule 12(b)(6) dismissal, a
28 court *may not* look beyond the complaint to a plaintiff’s moving papers”). Had Stewart brought
this claim in the First Amended Complaint, it would still fail because the Motor Voter Act is a
federal statute, (Opp’n ¶ 7), and Stewart sues state officials, who are the wrong defendants for such a
challenge.

1 to allege the above, such allegations would be “conjectural,” and he would be unable
2 to allege that his injuries are “fairly traceable” to SB 1174 and that “it is likely, as
3 opposed to merely speculative, that the injury will be redressed by a favorable
4 decision. *Spokeo*, 578 U.S. at 338–339; (*cf.* Opp’n ¶ 9 (arguing that 1.5 million
5 non-citizens voted in the 2019 and 2024 elections *before* SB 1174 took effect).)
6 However, because Stewart lacks Article III standing, dismissal is without prejudice.
7 *Mo. ex rel. Koster v. Harris*, 847 F.3d 646, 656 (9th Cir. 2017) (“In general, dismissal
8 for lack of subject matter jurisdiction is without prejudice.”).

V. CONCLUSION

For the reasons discussed above, the Court **GRANTS** Defendants' Motion to Dismiss and **DISMISSES** the First Amended Complaint **without leave to amend** and **without prejudice**. (ECF No. 18.) The Clerk shall close the case.

IT IS SO ORDERED.

16 || June 6, 2025

**OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE**